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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Date: July 9, 2010

STEPHEN F. GASS, J. DAVID FULMER
and JOEL F. JENSEN

Patent No.: 7,284,467 B2

Issued: October 23, 2007

For: APPARATUS AND METHOD FOR DETECTING
DANGEROUS CONDITIONS IN POWER EQUIPMENTMail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450PETITION UNDER 37 CFR 1.181 AND/OR 1.182

Patentee hereby petitions the Director under 37 CFR 1.181(a)(2) and (3) and/or 37 CFR 1.182 to intercede concerning a Certificate of Correction. Patentee believes a petition to the Director is necessary because the Patent Office has not responded to a "Request for Reconsideration Concerning a Denial of a Request for Correction" or to a "Request for a Second Certificate of Correction." The \$400 fee required by 37 CFR 1.17(f) for petitions under 37 CFR 1.182 is submitted herewith.

U.S. Patent 7,284,467 describes a woodworking machine with a system to detect contact between a person and a cutting tool. The patent issued on October 23, 2007 with mistakes. Accordingly, on September 19, 2008, patentee requested a first Certificate of Correction listing three corrections. One of the corrections was to replace a semicolon with a period at column 16, line 24. Another correction was to correct a typographical error by deleting "beanngs" and inserting --bearings-- at column 16, line

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36. Both of those corrections were approved and a Certificate of Correction issued on December 2, 2008.

The third requested correction, however, was denied. The third correction sought to delete a clause from claim 2 in the patent at column 16, lines 25-31. Part of that clause was deleted in a Fifth Amendment filed July 18, 2006, but the Certificate of Correction mistakenly requested deletion of the entire clause. The Patent Office denied the correction in a letter dated November 6, 2008, saying "the alleged error, in column 16, lines 25-31, is printed in accordance with the record." However, the record clearly shows that part of the clause should have been deleted, so the undersigned requested reconsideration on March 10, 2009 and identified the part of the clause that should have been deleted. The undersigned also called the Patent Office on June 4, 2009 and left a voice mail asking if the Patent Office had received the request for reconsideration. To date, no response to the request for reconsideration has been received.

Because the undersigned did not receive a response to the request for reconsideration, patentee submitted a second Certificate of Correction on October 2, 2009, a copy of which is attached. The second Certificate of Correction sought to delete the clause from claim 2 that was deleted by the Fifth Amendment. That clause is at column 16, lines 29-30 in the patent and it recites: ", and a dielectric in the gap between the shaft and second conductive plate". The reason that clause was deleted by the Fifth Amendment was to address an objection made by the Examiner in an earlier Office Action mailed April 18, 2006. In the earlier Office Action the Examiner objected to the drawings for allegedly failing to show a dielectric and the Examiner required either new drawings or amending the claim. Applicant chose to amend the claim, and the Examiner

accepted that amendment by approving the drawings in the next Office Action mailed October 23, 2006.

Unfortunately, the Office Action mailed October 23, 2006 says it is responsive to an Appeal Brief filed February 6, 2006, not to the Fifth Amendment filed July 18, 2006. That reference to the Appeal Brief, however, was a mistake. The Office Action mailed October 23, 2006 was clearly responsive to the Fifth Amendment because page 3 of the October 23rd Office Action says: "Applicant's arguments that Terauchi does not teach a capacitive coupling between guide G and the drive shaft 121 is not persuasive." Applicant's arguments concerning Terauchi were made in the Fifth Amendment, not in the Appeal Brief. In fact, the Appeal Brief does not discuss Terauchi at all. The fact that the October 23rd Office Action was responsive to the Fifth Amendment and not to the Appeal Brief is also evident from the fact that all other amendments made by the Fifth Amendment were entered. The fact that the drawings were accepted by the Examiner in the October 23rd Office Action also shows that the Office Action was responsive to the Fifth Amendment.

Thus, despite the statement that the October 23rd Office Action was responsive to the Appeal Brief filed February 6, 2006, the prosecution history shows that the Office Action was responsive to the Fifth Amendment and that the Examiner entered the Fifth Amendment. Accordingly, the issued patent should be corrected as set forth in the second request for a Certificate of Correction.

The second request for a Certificate of Correction also sought to undo one of the two corrections made by the Certificate of Correction dated December 2, 2008. Specifically, the period that replaced the semicolon at column 16, line 24 should not

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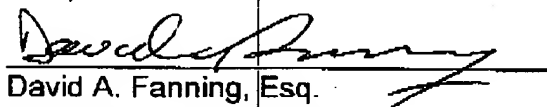
have been inserted; the semicolon was correct, as is evident from the Fifth Amendment filed July 18, 2006 and from reading the claim. The second Certificate of Correction replaced the mistakenly inserted period with the original semicolon.

In summary, the patent at issue should be corrected, as shown by the prosecution history discussed above, but patentee has not received a response to the second Certificate of Correction or to the request for reconsideration of the first Certificate of Correction. In this situation patentee believes a petition to the Director is warranted and necessary. Accordingly, patentee asks the Director to issue the attached second Certificate of Correction.

Please contact the undersigned with any questions.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the U.S.

Patent Office to facsimile number: (571) 273-8300 on July 9, 2010.


David A. Fanning

PTO/SB/44 (09-07)

Approved for use through 06/31/2010. OMB 0851-0033

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(Also Form PTO-1050)**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,284,467 B2

APPLICATION NO.: 09/929221

ISSUE DATE : October 23, 2007

INVENTOR(S) : Stephen F. Gass, J. David Fulmer and Joel F. Jensen

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 16, line 24, delete "." inserted by the Certificate of Correction dated December 2, 2008 and insert --;--.

Column 16, lines 29-30, delete ", and a dielectric in the gap between the shaft and second conductive plate".

MAILING ADDRESS OF SENDER (Please do not use customer number below):

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